

REMARKS

In the Office Action¹, the Examiner objected to the specification; rejected claims 1-24 under 35 U.S.C. § 112, second paragraph; rejected claims 1-12 under 35 U.S.C. § 101; and rejected claims 1-24 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0013716 of Dunham et al. ("Dunham") in view of U.S. Patent Application Publication No. 2003/0037063 of Schwartz ("Schwartz") in view of U.S. Patent No. 6,042,005 to Basile et al. ("Basile") in view of U.S. Patent No. 6,335,688 to Sweatte ("Sweatte").

By this Reply, Applicants have amended claims 1-8, 13-16, and 18-20, taking care not to add any new matter. Support for the amendments can be found in the specification, for example, at page 7, lines 11-17, and page 12, lines 18-20. Claims 1-24 remain pending, with claims 1 and 13 being independent.

I. Objection to the Specification

The Examiner objected to the specification because the specification purportedly "fail[s] to provide proper antecedent basis for the claimed subject matter." Office Action at 2. Applicants submit that claims 1 and 13 have clear support in the specification, and 37 C.F.R. § 1.75 does not require that claim terms be found in the specification as exactly recited in claims. In order to advance prosecution, however, Applicants have

¹ The outstanding Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the outstanding Office Action.

amended claims 1 and 13. Accordingly, Applicants respectfully request reconsideration and withdrawal of the objection to the specification.

II. § 112, Second Paragraph Rejection of Claims 1-24

The Examiner rejected claims 1-24 under 35 U.S.C. § 112, second paragraph, because the claims are purportedly “indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.” Office Action at 3. Applicants have amended independent claims 1 and 13. Claims 2-12 and claims 14-24 depend from amended independent claims 1 and 13, respectively. Accordingly, Applicants respectfully request reconsideration and withdrawal of the §112, second paragraph, rejection of claims 1-24.

III. § 101 Rejection of Claims 1-12

The Examiner rejected claims 1-12 under 35 U.S.C. § 101 because the claimed invention is purportedly directed to non-statutory subject matter. Although Applicants disagree, in order to advance prosecution, Applicants have amended claim 1 to conform to the current application of § 101 to process, manufacture, and machine claims. Claims 2-12 depend from amended independent claim 1. Therefore, claims 1-12 are directed to statutory subject matter, and accordingly, Applicants respectfully request reconsideration and withdrawal of the § 101 rejection of claims 1-12.

IV. § 103 Rejection of Claims 1-24

Applicants respectfully traverse the § 103(a) rejection of claims 1-24 over Dunham in view of Schwartz in view of Basile in view of Sweatte. A *prima facie* case of obviousness has not been established with respect to claims 1-24, as amended.

“The key to supporting any rejection under 35 U.S.C. § 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. . . . [R]ejections on obviousness cannot be sustained with mere conclusory statements.” M.P.E.P. § 2142, 8th Ed., Rev. 6 (Sept. 2007) (internal citation and inner quotation omitted). “The mere fact that references can be combined or modified does not render the resultant combination obvious unless the results would have been predictable to one of ordinary skill in the art.” M.P.E.P. § 2143.01(III) (emphasis in original). “All words in a claim must be considered in judging the patentability of that claim against the prior art.” M.P.E.P. § 2143.03. “In determining the differences between the prior art and the claims, the question under 35 U.S.C. § 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious.” M.P.E.P. § 2141.02 (I) (emphases in original).

“[T]he framework for objective analysis for determining obviousness under 35 U.S.C. § 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 U.S.P.Q. 459 (1966). . . . The factual inquiries . . . [include determining the scope and content of the prior art and] . . . [a]scertaining the differences between the claimed invention and the prior art.” M.P.E.P. § 2141(II). “Office personnel must explain why the difference(s)

between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art.” M.P.E.P. § 2141(III).

Independent claim 1, as amended, recites “[a] method of monitoring welfare of a child in a welfare system using a case identification card and a computer system configured to track events occurring in life of the child and interface with a plurality of stakeholders.” The method of claim 1 includes, *inter alia*, “integrating the child update information, the location information, and the welfare benefit payment information in the computer system such that the computer system provides a centralized system for the plurality of stakeholders to monitor physical welfare and financial welfare of the child.” This subject matter is neither disclosed nor fairly suggested by Dunham, Schwartz, Basile, and Sweatte, taken separately or in combination.

Dunham discloses “methods and systems that manage the provision of care by driving care providers to follow the wraparound process in the provision of care.” Dunham, Abstract. “The overriding principle of the wraparound process is to prevent the placement of an individual (i.e., client) that is in need of care into a long-term institutional setting. The wraparound philosophy involves the people closest to the individual and the care providers in the local community in the plan of care of the individual.” Dunham, ¶ 0043. “At [an] initial team meeting [among the people closest to the individual and the care providers], a plan of care is formulated by the team members.” Dunham, ¶ 0012. “The team meets regularly **to make sure the plan of care is working** or to adjust the plan as needed. The **monitoring of the plan of care is an important aspect** of the wraparound process **to ensure the process is moving**

forward in an efficient manner.” Dunham, ¶ 0013. (Emphasis added.) The systems of Dunham “concentrate best resources available into assuring the most effective outcomes for clients in need of care.” Dunham, ¶ 0022.

Dunham discloses that “the system [of Dunham] can be used for child welfare systems, allowing families to participate in the decision making about the care and safety of their children.” Dunham, ¶ 0044. However, rather than disclosing “monitoring welfare of a child in a welfare system,” Dunham monitors a plan of care and makes sure the plan is working. Dunham, ¶ 0013.

In addition, Dunham fails to disclose “integrating the child update information, the location information, and the welfare benefit payment information in the computer system such that the computer system provides a centralized system for the plurality of stakeholders to monitor physical welfare and financial welfare of the child,” as recited in amended independent claim 1. Dunham discloses payment processing. Dunham, ¶¶ 0093, 0095. However, the Dunham system merely “ensure[s] fiscal responsibility in the provision of individualized care.” Dunham, ¶ 0093. Using the system of Dunham, users “accomplish accounting type activities [and] generate bills, invoices, and other financial documents.” Id. The payment processing of Dunham, however, has nothing to do with “monitor[ing] . . . financial welfare of the child.” Thus, the system of Dunham does not provide “a centralized system for the plurality of stakeholders to monitor physical welfare and financial welfare of the child,” as recited in amended independent claim 1.

Schwartz, taken either on its own or together with Dunham, also does not disclose or suggest this subject matter. Schwartz is directed to “communicating, computing, monitoring and managing risk levels for individuals in high-risk environments.” Schwartz, ¶ 0001. The reference describes a “dynamic risk assessment” based on “system variables [that] are...defined for each risk category.” Id., ¶¶ 0049-0050. Neural networks and fuzzy logic expert systems are used to perform the risk analysis of Schwartz. Id., ¶¶ 0054-0072. However, the reference does not disclose or suggest “monitoring welfare of a child in a welfare system using a case identification card and a computer system configured to track events occurring in life of the child and interface with a plurality of stakeholders” and “integrating the child update information, the location information, and the welfare benefit payment information in the computer system such that the computer system provides a centralized system for the plurality of stakeholders to monitor physical welfare and financial welfare of the child,” as recited in amended independent claim 1.

Basile fails to cure the deficiencies of Dunham and Schwartz. Instead, Basile is directed to “[a] personal identification system for children that includes two forms of identification.” Basile, Abstract. Basile has nothing to do with “monitoring welfare of a child in a welfare system using a case identification card and a computer system configured to track events occurring in life of the child and interface with a plurality of stakeholders.” In addition, Basile fails to teach “integrating the child update information, the location information, and the welfare benefit payment information in the computer system such that the computer system provides a centralized system for the plurality of

stakeholders to monitor physical welfare and financial welfare of the child,” as recited in amended independent claim 1.

Sweatte fails to cure the deficiencies of Dunham, Schwartz, and Basile. Instead, Sweatte is directed to “method and system for airport or other building security.”

Sweatte, Abstract. Sweatte has nothing to do with “monitoring welfare of a child in a welfare system using a case identification card and a computer system configured to track events occurring in life of the child and interface with a plurality of stakeholders.” In addition, Sweatte fails to teach “integrating the child update information, the location information, and the welfare benefit payment information in the computer system such that the computer system provides a centralized system for the plurality of stakeholders to monitor physical welfare and financial welfare of the child,” as recited in amended independent claim 1.

In view of the above-noted deficiencies of the Dunham, Schwartz, Basile, and Sweatte references, the Office Action has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the prior art and the invention of claim 1. Also in view of those deficiencies, no combination of the applied references can possibly yield the invention of claim 1, nor could the invention of claim 1 have been predictable from the applied references. Further in view of those deficiencies, there would have been no motivation for one of ordinary skill in the art to modify the teachings of the references to achieve the claimed combinations. Thus, the Office Action has failed to clearly articulate a reason why claim 1 would have been obvious to one of ordinary skill in the art in view of the prior art. Accordingly, a *prima*

facie case of obviousness has not been established with respect to claim 1 and the rejection under 35 U.S.C. § 103(a) must be withdrawn.

Amended independent claim 13, although of different scope, recites features that are similar to the features recited in amended independent claim 1. For reasons similar to the reasons set forth above with respect to amended independent claim 1, Dunham, Schwartz, Basile, and Sweatte fail to support the § 103(a) rejection of amended independent claim 13.

Claims 2-12 and 14-24 depend from amended independent claims 1 and 13, respectively. Because any claim that depends from a nonobvious claim is also nonobvious, Applicants request the withdrawal of the §103 rejection of claims 2-12 and 14-24 at least by virtue of their dependence from claims 1 or 13, as well as by virtue of their recitation of additional features not taught or suggested by the cited references.

V. Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims. Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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